

## **EXHIBIT 7**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

<b>J. L. HERREN &amp; ASSOCIATES, P.C.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CA No. 1: 13-cv-1314 (LMB/IDD)</b>
	)	
<b>MELISSA BRITTON</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**DECLARATION OF J. CHRISTOPHER RACICH**

I, J. Christopher Racich, do hereby declare and swear as follows:

1. I am over the age of eighteen and make this Declaration based upon facts within my personal knowledge.

2. I am the President of Vestigant. Vestigant is a technology and computer forensic consulting firm that assists clients with fact-finding in litigation, regulatory reviews and business decision. I founded Vestigant in 2009 and since that time, Vestigant has been retained in hundreds of Computer Forensic and E-Discovery Case.

3. I am a 1993 graduate of Cornell University where I received my Bachelor of Arts degree (Biology). I later attended law school at the Washington College of Law at American University, graduating with a Juris Doctor in 1997.

4. I have taken numerous courses and attended multiple seminars in the field of computer forensics over the past 16 years. I have taught computer forensics courses at the High Tech Crimes Investigation Association (HTCIA). I am also an adjunct Professor of Law at the

Washington College of Law at American University where I teach a course concerning electronic discovery.

5. As the President and Founder of Vestigant, and with over sixteen years of experience in the areas of computer forensics and e-discovery, I have conducted thousands of computer forensics investigations. During my career in the computer forensics field, I have provided testimony as an expert in computer forensics in numerous courts, including the Supreme Court of the State of New York, County of New York, the United States District Court for the Eastern District of Virginia, the United States District Court for the Southern District of Florida, the United States District Court for the Southern District of Texas, the Superior Court for the District of Columbia, the Missouri Circuit Court, the Larimer County District Court in Colorado, and the Pennsylvania Court of Common Pleas.

6. I have also provided expert deposition testimony in the area of computer forensics in connection with numerous civil claims, and have also testified as an expert witness before the National Labor Relations Board. I have been qualified at least 22 times as an expert in computer forensics in a court of law or arbitration proceeding and have been qualified to testify in federal and state courts and before arbitration panels. My CV, which contains a full list of my experience, is attached as Exhibit 1.

7. On November 19, 2013, I received one Dell Latitude E6420 via FedEx tracking number 797182911810 at Vestigant's company address. This computer bears Dell Service Tag Number GLFSDS1 and contains a Western Digital 500GB hard drive bearing serial number WX41CC1W0189 (Internal reference IT001). I have been informed that this computer was used by Defendant Melissa Britton while she was an employee of Plaintiff.

8. I was also informed that this computer was password protected/encrypted and that Defendant had provided two possible password credentials to bypass this protection. I confirmed that IT001 was protected using Dell Secure Manager hard drive protection, a tool designed to lock a hard drive so that data cannot physically be accessed from a hard drive without the proper credentials.

9. Prior to attempting to disable the Dell Secure Manager, I attempted to create a forensic bit-stream image of IT001 using various industry standard techniques. This included removing the hard drive from IT001, attaching the hard drive to a write blocking imaging device and attempting to create an exact duplicate image of the hard drive. Due to the Dell Secure Manager protection enabled on IT001, no information was able to be extracted out of the hard drive.

10. In order to attempt to disable the Dell Secure Manager on IT001, I re-connected the hard drive to the laptop and attempted to use a controlled boot process, allowing me to remove the password protection without writing to the hard drive. Upon boot, the Dell Secure Manager screen is shown. A picture of the Dell Secure Manager message is attached as Exhibit 2.

11. As directed by counsel for Plaintiff, I used the following passwords to attempt to disable the Dell Secure Manager:

(a) 1Benjamin

(b) britton4

12. Using these passwords failed to disable the Dell Secure Manager protection. Due to the fact that passwords are case sensitive in Dell Secure Manager, I also attempted case

variations of each password, including all caps, all lower case and the first letter being capitalized in each password. These attempts also failed.

13. The Dell Secure Manager is a robust security device for computers. It physically locks a computer hard drive so that no information can be read or written to a hard drive without first unlocking the hard drive with the appropriate credentials. Without the appropriate credentials, the hard drive cannot be used, in this computer or any other. All data that exists on IT001 has been rendered inaccessible.

14. As I have not received the correct credentials/password to remove the protection from the hard drive, the data is, for all intents and purpose, unavailable.

I declare under penalty of perjury that the foregoing is true and correct.



J. Christopher Racich

12/5/2013

Date

**Exh. #1**



**Curriculum Vitae**

**J. Christopher Racich, Vestigant, LLC, President**

**Name:** J. Christopher Racich  
**Telephone:** 202 905-2170  
**Email:** racich@vestigant.com

**PROFESSIONAL EXPERIENCE**

**Sept. 2009 – Present: Vestigant, LLC – President**

Create and operate computer forensics/E-Discovery Consulting business

Lead, work and testify in all manner of Computer Forensics/E-Discovery cases

Gather and investigation of data for a variety of civil and criminal matters for corporations, the Federal Bureau of Investigation, and state and local authorities. Matters include fraud, embezzlement, sexual harassment, intellectual property theft violation of non-compete clauses, child pornography, and computer, network, and PBX/voice mail hacking

Aug. 2010 – Present: American University, Washington College of Law – Adjunct Professor

Teaching “Litigation in the Digital Age: E-discovery and Electronically Stored Information Law”

**Dec. 2008 to Sept. 2009: First Advantage – Senior Regional Practice Leader and Counsel**

**2006 to 2008: First Advantage – Senior VP and Counsel**

**2004 to 2006: First Advantage CoreFacts Managing Director and Counsel**

**2001 to 2004: CoreFacts Managing Director and Counsel**

Head computer forensics practice

Lead numerous large scale electronic discovery consulting projects and act as lead consulting expert

Lead work and testify in all manner of Computer Forensics/E-Discovery cases

**1997 to 2001: Kroll Associates – Director, High Tech Investigation, Mid-Atlantic Region**

Develop and lead the firm’s Mid-Atlantic high tech investigation practice from Kroll’s Washington, DC office

Manage numerous investigations and computer forensic engagements for the firm

Testify as a computer forensic expert

## **TESTIMONY**

### **US Foods, Inc., v. Michael Noble & Phillip Roszak**

AAA Case No. 13 166 01022 13

Testimony given in AAA Hearing, Retained US Foods, Inc.

Counsel: Connie Bertram, Proskauer Rose, LLP

### **Wise Recycling, LLC v. Gary Taylor, et al.**

Case No. 12-CVS-2139

Testimony given in Deposition Superior Court of North Carolina, Johnston County, Retained by Wise Recycling, LLC

Counsel: William Miossi, Winston & Strawn, LLP

### **Tullett Prebon, PLC, et al. v. BGC Partners, Inc.**

Civil Action No. HUD-L-3796-11

Testimony given in Deposition, Superior Court of New Jersey, Hudson County, Retained by John DelVecchio and Peter Ozzimo

Counsel: Tim Callahan, Saul Ewing, LLP

### **Random Ventures, Inc., et al. v. Advanced Armament Corp, LLC et al**

Civil Action 1:12-CV-06792-KBF

Testimony given at Trial, Federal District Court SDNY, Retained by Advanced Armament Corp, LLC

Counsel: Dana Rust, McGuireWoods, LLC

### **Professional Massage Training Center, Inc. v. Accreditation Alliance of Career Schools and Colleges**

Civil Action No. 1:12-CV-00911-LO-IDD

Testimony given at Evidentiary Hearing, Federal District Court EDVA, Retained by Professional Massage Training Center, Inc.

Counsel: Ronald L. Holt, Dunn & Davison, LLC

### **Jennifer J. Taylor v. Republic Services, Inc., et al.**

Civil Action No. 1:12-CV-523

Testimony given at Evidentiary Hearing, Federal District Court EDVA, Retained by Republic Services, Inc.

Counsel: Raymond Baldwin, Seyfarth Shaw, LLP



**Tech Systems, Inc. v. Lovelen Pyles, et al.**

Case No. 1:12-CV-374-GBL-JFA

Testimony given at Trial, Federal District Court EDVA, Retained by Tech Systems, Inc.

Counsel: Eric Crusius, The Centre Law Group

**Motors Liquidation Company GUC Trust, v. Appaloosa Investment Ltd. Partnership I, et al.**

Case No. 09-50026, Case No. 12-09802

Testimony given at Trial, SDNY Bankruptcy Court, Retained by Elliott Management Corporation, Fortress Investment Group LLC and Morgan Stanley & Co. International PLC

Counsel: Kevin D. Finger, Greenberg Traurig, LLP

**Confidential Arbitration**

Testimony given in Confidential Arbitration.

Counsel: Christopher Manning, Williams & Connolly, LLP

**ManTech International Corp. v. Analex Corp., et al.**

Case No. 2011-9058

Testimony given in Deposition, Fairfax County Circuit Court, VA, Retained by ManTech International Corp.

Counsel: Daniel Westman, Morrison & Foerster

**Motors Liquidation Company GUC Trust, v. Appaloosa Investment Ltd. Partnership I, et al.**

Case No. 09-50026, Case No. 12-09802

Testimony given in Deposition, SDNY Bankruptcy Court, Retained by Elliott Management Corporation, Fortress Investment Group LLC and Morgan Stanley & Co. International PLC

Counsel: Kevin D. Finger, Greenbert Traurig, LLP

**Tristi Ann Boone v. Dinh Tran Quang Nguyen**

Case No. CL00069833-00

Testimony given at Hearing, Loudon County Circuit Court, VA, Retained by Tristi Boone

Counsel: John Byrnes, Kelly Byrnes & Danker, PLLC

**Aon Risk Services Northeast, Inc. And Aon Corp. v. M. Cusack and Alliant Insurance Services, Inc.**

Index No. 651673/2011

Testimony given in Preliminary Injunction Hearing, , Supreme Court of the State of New York, Retained by Alliant Insurance Services, Inc.

Counsel: Michelle Hartmann, Weil, Gotshal & Manges

**DynCorp International, LLC v. Jane T. Flowers, et al.**

Case No. CL2011-8117

Testimony given in Deposition, Fairfax County Circuit Court, VA, Retained by DynCorp, International, LLC

Counsel: David Greenspan, McGuireWoods, LLP

**ManTech International Corp. v. Barry Greenberg, et al.**

Case No. 2008-5845

Testimony given in trial, Fairfax County Circuit Court, VA, Retained by ManTech International Corp.

Counsel: Daniel Westman, Morrison & Foerster

**Energy EIAC Capital Ltd and Sanibel Intertrade Corp. v. Maxim Group, LLC**

Index No. 650180/2010

Testimony given in hearing, Supreme Court of the State of New York, Retained by Energy EIAC Capital Ltd.

Counsel: Adam Safer, Miller & Wrubel

**ManTech International Corp. v. Barry Greenberg, et al.**

Case No. 2008-5845

Testimony given in Deposition, Fairfax County Circuit Court, VA, Retained by ManTech International Corp.

Counsel: Daniel Westman, Morrison & Foerster,

**Lumber Liquidators, Inc. v. Kevin H. Sullivan**

Case No. 11 166 00490 10

Testimony given in American Arbitration Association Arbitration, Retained by Lumber Liquidators, Inc.

Counsel: Patrick Hanes, Williams Mullen

**James River Management Co., Inc., et al v. Michael P. Kehoe, et al.**

Civil Action No. 3:09CV387-REP

Testimony given in hearing, Federal District Court EDVA, Retained by James River Management, Inc.

Counsel: Steve Davidson, Steptoe & Johnson, LLP

**Leor Exploration & Production, LLC et al., v. Guma Aguiar**

Case No. 09-60136-CV-PAS; Case No. 09-60683-CV-PAS

Testimony given in Evidentiary Hearing, SDFL, Retained by Guma Aguiar

Counsel: Thomas Wiegand, Winston & Strawn

**James River Management Co., Inc., et al v. Michael P. Kehoe, et al.**

Civil Action No. 3:09CV387-REP

Testimony given in Deposition, Federal District Court EDVA, Retained by James River Management, Inc.

Counsel: Steve Davidson, Steptoe & Johnson, LLP

**Applied Materials, inc., v. Advanced Micro-Fabrication Equipment, Inc. China, et. al.**

Case No. C07-05248

Testimony given in Deposition, NDCA, San Jose Division, Retained by Applied Materials

Counsel: Tom Fitzpatrick, Goodwin Proctor, LLP

**John B. Mazur v. TRG Holdings LLC., et al.**

Civil Action No. 08 CA 000809

Testimony given in Evidentiary Hearing, Superior Court of the District of Columbia, Retained by John B. Mazur

Counsel: Jim Campbell, Campbell, Miller, Zimmerman

**John B. Mazur v. TRG Holdings LLC., et al.**

Civil Action No. 08 CA 000809

Testimony given in Deposition, Superior Court of the District of Columbia, Retained by John B. Mazur

Counsel: Jim Campbell, Campbell, Miller, Zimmerman

**Sterling Merchandising, Inc. v. Nestlé, S.A.; Nestlé Puerto Rico, Inc., and Payco Foods Corporation**

Civil No. 06-1015 (SEC)

Testimony given in Deposition, District Court, Puerto Rico. Retained by Nestlé, S.A.

Counsel: Erik Koons, Howrey

**Interbake Foods, LLC v. Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM), Local 68**

NLRB Case #5CA-33158, 5CA-33300, 5CA-34261

Testimony given in trial before National Labor Relations Board, Region 5. Retained by Interbake Foods, LLC.

Counsel: Mark Keenan, McGuireWoods, LLP

**David W. Howard v. Lumber Liquidators, Inc.**

Ref. No. 1410004567

Testimony given in JAMS Arbitration. Retained by Lumber Liquidators, Inc.

Counsel: John Barr, McGuireWoods, LLP

**Bi-State Development Agency of the Missouri-Illinois Metropolitan District v. Cross County Collaborative Joint Venture, et. al.**

Case #04CC-003335

Testimony given in trial, Circuit Court, St. Louis, MO. Retained by: Bi-State Development Agency of the Missouri-Illinois Metropolitan District.

Counsel: Ralph Altmann, Rabbitt, Pitzer & Snodgrass, P.C.

**Jerry I. Treppel v. Biovail Corporation, Eugene N. Melnyk, Kenneth C. Cancellara, Michael S. Sitrick and Sitrick and Company, Inc.**

Case 03 Civ. 3002

Testimony given in 30(b)(6) Deposition, SDNY. Retained by Biovail Corporation

Counsel: Neil Steiner, Deckert, LLP

**American Civil Liberties Union, et al v. Alberto Gonzales**

Case #98-CV-5591

Testimony given in Deposition, EDPA. Retained by American Civil Liberties Union

Counsel: Elan Dobbs, Latham & Watkins

**DAG Petroleum Suppliers, LLC v. BP p.l.c. and BP Products North America, Inc.**

Case #1:05-CV-1323

Testimony given in Deposition, Federal District Court EDVA. Retained by DAG Petroleum Suppliers, LLC

Counsel: Christopher Ohly, Blank Rome

**IECS, LLC v. Abdallah Walid El Kabbani**

Case #1:06CV90

Testimony given in Hearing, Federal District Court, EDVA. Retained by IECS

Counsel: Shanlo Wu

**United States v. Daniel Bayly, et al.**

Case #4:04CR00363-1

Testimony given in Federal District Court, SDTX. Retained by US Government

Counsel: John Hammon

**Hach Company v. Michelle Haubrich**

Case #04CV1639

Testimony given in Larimer County District Court, CO. Retained by Hach Company

Counsel: Pat Pilachowski, Shaw & Rosenthal

**Scott & Stringfellow v. Jefferies Group, Inc**

Testimony and Evidence given at NASD-DR Arbitration, and in Henrico VA, Circuit Court.

Retained by Scott & Stringfellow

Counsel: John Barr, McGuireWoods, LLP

**Walton Street v. Ocwen Asset Investment Corp.**

Case # 1999L006116

Evidence given by Deposition in Cook, IL, Circuit Court. Retained by Ocwen Asset Investment Corp

Counsel: Joel Miller, Miller & Wrubel

**Henry N. Camferdam, Jr. et al. v. Ernst & Young International, Inc. et al.**

Case #1:02CV10100

Testimony given in Federal District Court, SDNY. Retained by Ernst & Young International, Inc., et al

Counsel: Emmet Flood, Williams & Connolly, LLP

**DMG Securities v. Bashion, Cruz**

Case #03-06845

Testimony given at NASD-DR Arbitration. Retained by DMG Securities

Counsel: John Barr, McGuireWoods, LLP

**CERTIFICATION AND TRAINING**

Certified Computer Examiner (CCE)

Member New York Bar Association, 1998 – present

Member Washington, DC Bar, 1999 – present

Member Virginia Bar Association, 2004 – 2009

Board of Directors, Institute of Computer Forensic Professionals

HTCIA Computer Forensic Certification

HTCIA Instructor

Encase Intermediate Certification

National Consortium for Justice Information and Statistics (SEARCH) Computer Forensic Certification

HTCIA/RCFG GMU Computer Forensic Certification

Kroll Computer Forensics Certification

Co-Chair, ABA Sub-committee on Electronic Evidence, 1999 – 2004

**Private Investigator Virginia – 2002 - Present**

**Private Detective, Washington, DC, 1997 – 2001**

**EDUCATION**

**Washington College of Law, 1997**

**JD**

**Cornell University, 1993**

**Bachelor of Arts, Biology**

**Exh. #2**



## DELL SECURE MANAGER

Hard-drive #X41CC1W0189-1D3B, the system Primary HDD, is protected by a password authentication system. You can not access data on this hard drive without the correct password. Please type in the hard-drive password.

Latitude E6420

Dell Inc.